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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,341	04/28/2000	Shahram Tousi	8409-000030	3654

4859 7590 07/09/2003

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EXAMINER

CARPENTER, SCOTT A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,341

Applicant(s)

TOUSI ET AL.

Examiner

Scott A. Carpenter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 41. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the parabolic or elliptical shapes of the mount portions as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the parabolic cross section of the tubular member (and its orientation), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. Applicant should consider adding at least a cross sectional view and an exploded isometric view including the details of the upper annular portion, the insert portion, the "layer" (48), and the axially extending portion (20) which appears from the drawings to be a separate portion that is joined to the annular portion. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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6. On line 2 of the paragraph beginning on line 20 of page 7, it appears as though the term "ration" should be ~~--ratio--~~.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "annular member" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 23 and 24, because the structure of the tubular portion of the insert and the means by which it is incorporated with the rest of the mount is not clearly shown, the equivalent structure is impossible to determine. Accordingly, claims 23 and 24 cannot be further examined on the merits.

Claim 25 recites the limitation "annular member" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 21 and 25 - as best understood - are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (U.S. Patent 3,266,139) in view of Killworth et al. (U.S. Patent 5,170,985).

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Regarding claims 21 and 25, Adams teaches an isolation mount on a frame (15) having an opening, wherein the isolation mount comprises an upper mount (A,11), a lower mount (B,18), and a fastener (21); wherein the upper mount includes a thimble member (A) having an axially extending tubular portion (12), and an elastomeric annular portion (11) having an axially extending portion that is received in the opening of the frame, and further wherein the axially extending tubular portion of the thimble member extends through the axially extending portion of the annular member. Adams fails to teach an insert as recited. Killworth et al. (Killworth hereafter) teach a vehicle body mount comprising upper and lower portions, wherein the upper portion has an annular portion (151), an axially extending portion (154) that extends axially from the annular portion into the hole in the frame member, and an insert (162) for reinforcing the axially extending portion of the annular portion that extends equally in an axial length to the axial length of the axially extending portion of the annular portion. It would have been obvious to one of ordinary skill in the art to modify the invention of Adams to include a reinforcing insert as taught by Killworth so as to reinforce the axially extending portion of the annular portion so as to provide for a more robust insert.

11. Claim 22 - as best understood - is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (U.S. Patent 3,266,139) in view of Killworth et al. (U.S. Patent 5,170,985) as applied to claim 21 above, and in further view of Johnson et al. (U.S. Patent 6,419,215).

Regarding claim 22, Adams and Killworth provide the teachings discussed above, but fail to specifically teach the use of microcellular polyurethane (MCU) as a suitable elastomer. Johnson et al. (Johnson hereafter) teach an isolation mount which uses MCU. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the teachings of Adams and

Killworth as discussed above to include the use of MCU as an elastomer, as Johnson teaches that MCU is a preferable foamed elastomer that can simplify assembly of components.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREEMONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Carpenter whose telephone number is 703-308-6290. The examiner can normally be reached on Mon. - Thurs. 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-308-3297 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

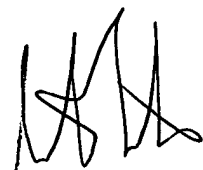
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sac

June 24, 2003

 6/24/03

SCOTT CARDENTER
PATENT EXAMINER

 6/25/03

STEPHEN T. GORDON
PRIMARY EXAMINER